

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARCO SINGLETON,

Plaintiff,

v.

Case No. 13-C-882

B&H TRANSPORTATION, INC.,

Defendant.

THOMAS E. PEREZ,

Plaintiff,

v.

Case No. 13-C-1416

B&H TRANSPORTATION, INC.,

Defendant.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: September 29, 2014

Proceeding: Status Conference/Show Cause Hearing

Start Time: 11:46:54 a.m. End Time: 12:00:18 a.m.
12:09:23 a.m. 12:25:41 a.m.

Court Reporter: FTR Gold Deputy Clerk: Kris Wilson

Appearances: Attorney Larry Johnson for Marco Singleton
Attorney Margaret Sewell for Secretary Perez
No appearance by B&H

Disposition: Court grants plaintiff **Singleton's** Motion to Strike B&H's Answer

and Default Judgment. [43] Attorney Johnson will file documentation in support of damages within 30 days.

Court grants plaintiff **Singleton** leave to reopen should Dmitry Lenikman's bankruptcy proceedings be dismissed.

Court grants plaintiff **Perez's** Motion to Strike B&H's Answer and Default Judgment. [15]

Exhibit 1 is received into evidence. See separate filing.

- Notes: Attorney Sewell notes that there is an overlap of employees in the Perez and Singleton cases. She asks the court to strike the defendant's answer and affirmative defenses and to enter default judgment against B&H.
- (11:50) Attorney Johnson, on behalf of Singleton, asks the court to strike the answer and order default against B&H. The court notes that it is 11:51 a.m. and there is no appearance by B&H in either case and that the plaintiffs in each case are entitled to default judgment. As to Dmitry Lenikman, the court recalls he has filed bankruptcy and the automatic stay would be applicable to him. The court grants plaintiff leave to reopen the case against Lenikman should the Title XI proceedings be dismissed and plaintiff is unable to obtain relief on his claim in the Title XI proceedings. Attorney Johnson will file declarations establishing damages of approximately \$100,000 plus fees and costs.
- (11:59) Attorney Sewell states that the government is withdrawing its claims for five named B&H employees. See Exhibit 1.
- Break
- (12:09) Damages in Perez are recalculated to \$30,701.30. This number reflects a reduction of \$4,582.16 as it relates to the five employees referenced above.
- (12:11) Plaintiff Perez calls Jenna Carte.
Witness sworn.
B&H contended it did not have to pay overtime because it had a taxi exemption.
Exhibit 1: US DOL Form WH-56: Summary of Unpaid Wages.
Witness sets forth the specific damages on the record.
- (12:23) Attorney Sewell will submit an amended proposed judgment to the court.

(12:23)

Attorney Johnson will set forth an affidavit as to damages. The court dismisses plaintiff Singleton's case against D. Lenikman without prejudice in light of his Title XI proceedings subject to reinstatement if the Title XI proceedings are dismissed without disposition. The court does so for the purpose of preserving for plaintiff Singleton his right to relief and preservation of any statute of limitations that may be applicable.

Plaintiff Perez also seeks injunctive relief in the event B&H is reopened. The court directs counsel to include the appropriate language in its proposed judgment.